

1 George Brass # 1045449

2 HOSP 1 P.O. Box 650

3 Indian Springs, NV 89070

4 Plaintiff in Pro Se

5

6 United States District Court

7 District of Nevada

8

9 George Brass,

Case No. 2:21-cv-00074-RFB-UCF

10 Plaintiff,

11 v.

Reply

12 The State of Nevada, et al,

13 Defendants

14

## 15 I. Introduction and Argument

16 Defendants do not oppose Brass's Motion for Leave to  
17 Amend therefore Brass's Motion for Leave to Amend should  
18 be granted. They also do not dispute his medical allegations

19 In anticipation of the Court granting Leave to Amend,  
20 Brass has attached his First Amended Complaint as an  
21 Exhibit to his Reply.

22 As to the Opposition to the request for sanctions, Brass  
23 asks the Court to take judicial notice that the criterion to  
24 the AR that governs inmate access to medical files through  
25 AR 639 and AR 740 and a petition for Mandamus is both  
26 disingenuous and misleading.

27

28 Page 1

1 Brass has requested to review his medical files without answer  
2 or success.

3 The grievance procedure takes 45 days (informal), 45 days  
4 (1st level) and 60 days (2nd level) to exhaust or 150 days.

5 A writ of mandamus requires access to the law library, &  
6 knowledge of how to prepare and file, and weeks if not months  
7 to litigate.

8 This would require a motion to stay these proceedings as the  
9 records need to accurately identify facts, witnesses, documents  
10 and evidence to include in the pleadings and litigation.

11 OR.

12 The AG's office makes one call, e-mail, or fax to the HSSP  
13 medical department to have Brass review his files to not delay proceedings  
14 OR.

15 This Court Orders the same since it involves active litigation.  
16 Let's stop the AG and HSSP (and NYS) from hiding behind  
17 its regulations (AR 634 + AR 750) which do not work as designed  
18 or in practice. Enough. Rule 16 initial disclosures. FRCP allow  
19 pre-complaint filing discovery. Also subpoena to issue. We avoid  
20 all this by a phone call, e-mail, or text. Not "greater access"  
21 (Opp. p. 4 et al) but "access" period.

22 Any doubts? Let's hold a hearing and hear from the  
23 medical records + law library staff as to "3-5 working days"  
24 and access to the library. The truth will not favor the State.  
25 OR.

26 Have the AG's office work with Brass to informally resolve  
27 the issues and not squander valuable court time.

1                   II. Conclusion

2  
3                   Bruess is hard pressed to "point to a policy or custom" or  
4                   case law to address the plethora of authority cited by the  
5                   State when the medical records and legal reference materials  
6                   are not accessible to him in fact or through Rules and Regulations  
7                   which so limit access as to be access in theory but not in  
8                   practice. However his unrelated medical allegations favor his requests for relief

9                   Grant Bruess's requests or alternatively set a hearing to  
10                  develop actual facts and not theories of access to hold the  
11                  Defendants accountable, or resolve as this Court deems appropriate.

12  
13                  Respectfully submitted this 21 day of June 2022

14                  George Bruess

15                  George Bruess # 1045449

16                  Plaintiff in Pro Se

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1 George Bruss  
2 High Desert State Prison  
3 P.O. Box 650  
4 Indian Springs, NV 89070  
5 Prison Number 1045449

6  
7 United States District Court  
8 District of Nevada

9  
10 George Bruss, Case No. 2:21-cv-00074-RFB-UCF  
11 Plaintiff,

12 vs. First Amended  
13 The State of Nevada, ex rel. The NSP, Civil Rights Complaint  
14 Charles Daniels, Dir of the NSDC; Pursuant to  
15 Michael Miner, Medical Dir of the NSP; 42 U.S.C. § 1983  
16 Dr. Gregory Bryant, Dr. Wilson Bernales, JURY TRIAL REQUESTED  
17 Dr. David Rivas, Nursing Director,

18 Benjamin Gutierrez, Nurse Practitioner  
19 Rio and Martin, Jaymie Calvano, R.N.,  
20 Charge Nurse Nilo Feret, R.N. Nick Parsons,  
21 Adrienne Thompson, and Dues 1-10

22 Defendants

23 A. Jurisdiction:

24 1) This Complaint alleges that the civil rights of Plaintiff George Bruss who  
25 presently resides at HDSP were violated by the Defendants against Bruss at  
26 HDSP | Indian Springs, NV on the following dates:

27 2019 to Present, 2019 to Present, and 2019 to Present  
28 (Claim 1) (Claim 2) (Claim 3)  
Page 1

1 2.

## Introduction

2 This is a civil rights action filed by George Bruss, a state  
 3 prisoner, for damages and injunctive relief under 42 USC § 1983  
 4 alleging denial of medical care in violation of the Eighth Amendment  
 5 to the United States Constitution.

## Jurisdiction

6 1. The Court has jurisdiction over the plaintiff's claims of  
 7 violation of federal constitutional rights under 42 USC. §§ 1331 (1)  
 8 and 1343.

## Parties

9 2. The plaintiff George Bruss, was incarcerated at High Desert  
 10 State Prison ("HOSP") during the events described in this complaint.

11 3. Defendant The State of Nevada ex rel The Nevada Department  
 12 of Corrections is the state agency which operates Nevada's prisons including  
 13 HOSP. It is sued in its official capacity for not providing adequate  
 14 medical care and redress for Bruss.

15 4. Defendants Gregory Bryant, Wilson Bernales, and David Rivas  
 16 were or are physicians employed at HOSP. They are sued in their  
 17 individual and official capacities.

18 5. Defendant Michael Minev is the medical director of the NVN  
 19 and is responsible for ensuring inmates receive adequate medical  
 20 care and redress for the failure to provide. He is sued in his  
 21 individual and official capacity.

22 6. Defendant Benjamin Gutierrez is the Nursing Director at  
 23 HOSP and is responsible for all aspects of nursing at HOSP  
 24 including staffing, supervision, continuity of care, as well as  
 25 to respond or assign for response medical requests for treatment

26

1 or "kites," grievances as well as those responsibilities under the MDC's  
 2 Administrative Regulations (AR's) and HOSP's Operational Procedures (OP's),  
 3 he is sued in his official and individual capacity.

4 7. Defendants Nurse Practitioners Rio and Martin are  
 5 employed at HOSP to assist with evaluating inmates' medical needs  
 6 and can recommend and order medications, tests, and treatment  
 7 plans. They are sued in their individual capacities.

8 8. Defendant Jaymie Cubresa is the medical case manager  
 9 at HOSP and is generally responsible for ensuring provision of  
 10 medical care to prisoners and specifically for scheduling medical  
 11 appointments outside the prison when a prisoner needs specialized  
 12 treatment or evaluation. She is sued in her individual and official  
 13 capacities.

14 9. Defendant Adrienne Thompson is believed to share the  
 15 scheduling responsibilities with Defendant Cubresa, *supra*, *supra*,  
 16 and is sued in her individual and official capacities.

17 10. Defendant Nilo Feret was employed as a charge Nurse  
 18 working under HOSP's Director of Nursing Services to supervise  
 19 HOSP's nursing staff, provide direct care to inmates in all  
 20 forms (infirmary appointments, emergent care ("man-downs"), other)  
 21 as well as assist with responding to kites (*supra*) grievances,  
 22 and in-person requests. He is sued in his individual and  
 23 official capacities.

24 11. Defendant Nick Parsons is employed as a Registered  
 25 Nurse at HOSP and assist the nursing director, charge nurse,  
 26 and provides direct care to inmates through pill calls, and the  
 27 response to kites and grievances, as well as man-downs.

12. Defendant John Does (1-10) are medical staff whose names are  
13. presently unknown to plaintiff. They are sued in their individual and  
14. official capacities.

15. All of the Defendants have acted, and continue to act, under  
16. color of state law at all times relevant to this complaint.

#### Facts

##### Nature of the Case

17. Plaintiff files this complaint to seek relief and damages  
18. as a result of the Defendants deliberate indifference to his  
19. serious medical conditions to wit:

20. a) a compressed spine (claim one)
21. b) nerve damage to both hands (claim two);
22. c) Failures to provide medications and recommended care  
23. (claim three)

24. As a result Plaintiff's 8th Amendment Rights have, and continue to  
25. be violated, causing him continuing damage, pain, and suffering.

26. Plaintiff believes, and therefore alleges, his requests for medical  
27. care were communicated through his interaction with pill call nurses  
and through kites and grievances that were read, evaluated and  
responded to by Defendants Person (in person, kites, informal grievances),  
Perez (in person at infirmary appointments, 1<sup>st</sup> level grievances, kites), Defendant  
Gutierrez (grievances, all levels, kites), Defendants Bryant, Bernales,  
and Rivas (in person and in kites, grievances in concert with Gutierrez,  
Perez and other nursing Defendants), and Defendant Mireo whose second  
level grievance responses effected continuity of care and his continuing  
with Bryant, Bernales, Rivas as well as Gutierrez as to continuity of  
care.

## Facts Common to All Claims

1 Plaintiff George Brass (hereinafter "Brass") is an inmate incarcerated at  
 2 HOSP which has, and continues to be on a modified lockdown due to the covid-19  
 3 Pandemic.

4 Brass specifically brings this Complaint as to the actions, inactions, failures  
 5 and deliberate actions of the Defendants from 2019 to the present as reflected  
 6 in his medical files, grievances, kites and other communications (such as  
 7 from Brass's family, Friends, outside counsel, case workers), custody staff  
 8 and others) to NDOC/HOSP official's, staff and Defendants.

9 These communications are contained in Brass's medical files, Institutional  
 10 or "I" file, Central or "C" file, and on NOTIS (Nevada Offender Tracking  
 11 Information System) none of which are accessible to Brass. Similarly,  
 12 Brass is informed and believes the outside medical care provider records  
 13 also substantiate the allegations contained in this Complaint.

14 Without access to these records, which will take an order of this  
 15 Court, Brass cannot fully and accurately identify all the facts, witnesses,  
 16 documents and other evidence needed to draft this Complaint and will  
 17 seek leave to amend once the Court allows him access. NDOC regulations  
 18 prohibit inmates from possessing medical records without a Court order.

19 As further set forth in the following claims, Brass has been dealing  
 20 with the effects of a compressed cervical spine (claim one), nerve damage to  
 21 both hands (claim two), and failures to provide medications and recommended  
 22 care (claim two). The continued delay(s) in surgery only makes the  
 23 symptoms worse, increasing pain, suffering and the likelihood that the  
 24 nerve damage could become permanent. The denial, delay and running  
 25 out of prescribed medications exacerbates the situation. The combined  
 26 effect on Brass is loss of function, decrease in ability to perform daily  
 27 activities without pain, suffering, or at all.

1 Brass further alleges he has either exhausted all of the issues raised  
 2 in this Complaint and /or in the alternative, is asking that he be excused  
 3 from a grievance procedure that is futile. Furthermore, Brass alleges  
 4 that the NDOC and HNSP's failure to comply with the time limits of  
 5 its own Administrative Regulations as to Grievances (Responses to  
 6 Informal Grievance, 45 days; 1st level, 45 days; and 2nd level,  
 7 60 days) acts as a waiver of the defense of failure to exhaust.

8 The failure to properly administer the grievance process also  
 9 frustrates Brass's ability to timely exhaust as to have his issue  
 10 informally resolved or exhausted as to seek review by a Court and  
 11 intervention and relief for claims that if not addressed, supra,  
 12 can and will cause further pain, suffering, and damage.

13 Despite having knowledge of Brass's medical condition, needs and  
 14 grievances the Defendants remain deliberately indifferent:

15 Defendant Doctors Bryant, Bernales, and Rivas, individually, and collectively  
 16 (as members of the utilization review panel) did not provide Brass with adequate  
 17 care, medications and follow-up treatment with outside specialists.

18 Brass has submitted repeated requests for treatment and has filed  
 19 grievances requesting adequate care, medications and followup care with  
 20 outside specialists

21 When a prisoner files a grievance, the grievance staff calls the matter  
 22 to the attention of those individuals responsible for the matter the grievance  
 23 CONCERN.

24 Defendants Parsons, Peret, and Gutierrez were responsible of assigned  
 25 to review and respond to Brass's medical files and grievances at the  
 26 informal and first level.

27 Defendants Juanye Cubera and Adrienne Thompson are responsible  
 28 for medical care generally and for arranging for specialized medical care

1 outside the prison.

2 Defendants Rio and Martin met with Bruss and/or reviewed  
3 his requests for care and failed to help Bruss.

4 Defendant Minev is responsible to ensure the care Bruss  
5 receives complies with the AR's, OP's, ACA standards, NRS  
6 201 et al, as well as State and Federal law (8th Amendment).

7 Minev also has the duty, responsibility and ability to  
8 intervene to correct deficiencies through his role as chair  
9 of the VPP, and through the grievance procedures (as the  
10 designated 2nd level responder) and did not do so for Bruss.

11 Defendant Director Daniels and his agency the NDC  
12 have a duty under the color of law, NRS 289.1 et al, the  
13 AR's, OP's, and Nevada and U.S. Constitutions to ensure  
14 inmates are provided adequate medical care and did not do  
15 so for Bruss.

16 As set forth in the following three causes of action,  
17 Bruss's 8th Amendment Rights were and are being violated  
18 by the Defendants individually, collectively and in concert  
19 with the denial and refusal to address Bruss's serious  
20 medical condition.

21 Bruss was, and is, in great pain.

22 On information and belief, if Bruss does not receive  
23 follow-up care he risks permanent disability.

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## C. Causes of Action

## CLAIM 1: Compressed spine

1 The following civil rights have been violated: 8<sup>th</sup> Amendment Prohibition Against  
 2 Cruel and Unusual Punishment. Defendants also deliberately indifferent to  
 3 Plaintiff's serious medical condition.

## Supporting Facts:

5 Brass incorporates pp 1-3, ~~but~~ as though fully set forth herein.  
 6 On or about March of 2019 Brass noticed he began having  
 7 trouble performing daily tasks as he experienced pain in his  
 8 back and neck.

9 As the pain became worse and affected him more and more  
 10 he began the process of seeking medical care in writing  
 11 (kites at first and then grievances), electronically (by a kiosk  
 12 system no longer in use) and in person to medical staff who are  
 13 in the unit to deliver medications at what is referred to as pull  
 14 calls.

15 With access to his medical records, Brass is informed and  
 16 believes the following, a timeline of relevant events.

17 On or about March 19, 2020, Brass was taken to Valley Hospital  
 18 who ordered an MRI to diagnose his condition.

19 During the month of April 2020:

- 20 • On April 19, 2020 the Defendants discontinued the medication  
 21 buckafen (Def. Dr's Bryant, Bernales and/or Rivas)
- 22 • On April 20, 2020, Brass has X-rays and blood tests at HOSP
- 23 • On April 24, 2020, Brass taken to Valley Hospital and told  
 24 he needed an MRI and Cat Scan
- 25 • On April 29, 2020, Brass requested emergency care ("man  
 26 down") and taken to Sunrise Hospital - no neurologist available

27 On or about May 5, 2020 Brass went man down and had a

## Claim One Continued

1 consultation with HDSP provider Rio, who, incredibly, despite test results  
 2 and examinations to the contrary suggested Bruss could feign his condition.  
 3 On or about June 2, 2020 Bruss had an MRI scan done of his head,  
 4 cervical spine and lumbar region.  
 5 On June 15, 2020 Bruss had his blood drawn at HDSP and also  
 6 had his medications (muscle relaxers) dis continued. (Def's Bryant, Beutels and/or Rives)  
 7 On June 23, 2020, Bruss met with Rio to discuss the MRI results  
 8 which showed a compressed spine. Rio failed to provide follow-up care/treatment.  
 9 On July 17, 2020, Bruss completed and submitted a pre-surgical packet.  
 10 On July 29, 2020, Bruss was transported ~~to~~ to a surgical consult at  
 11 Valley Hospital which was cancelled.  
 12 On August 10, 2020 Bruss was required to complete a new packet for  
 13 surgery with a different surgeon.  
 14 On August 13, 2020 Bruss was transported late to the surgical consult  
 15 which was cancelled.  
 16 On or about August 19, 2020 Bruss was approved for surgery.  
 17 Bruss initiated oral, written, and other methods (outside assistance) to  
 18 find out why he wasn't being sent out for surgery. (Def's Cabrera, Gutierrez, Perez,  
 Parsons and Bryant).  
 19 On October 12, 2020 Bruss received physical therapy.  
 20 On October 21, 2020 Bruss was taken to a hand specialist who  
 21 informed him of the nerve damage to both hands, (carpal tunnel), and the  
 22 need for surgery. See, Claim Two, pp 5, 5(6).  
 23 Bruss again initiated oral, written, and other methods, <sup>supra</sup> to find out  
 24 why he wasn't being sent out for surgery, or surgeries. (Def's Cabrera, Gutierrez  
 Parsons and Bryant)  
 25 On or about December 9, 2020, Bruss was instructed to discontinue  
 26 certain medications, food, and otherwise prepare for surgery in ten days.  
 27 Bruss initiated oral, written, and other methods, <sup>supra</sup>, to find out why  
 28 he isn't being transported for surgery or surgeries. (Def's Minev, Bryant, Cabrera,  
 and Gutierrez.)  
 (Page 4 of 1)

## Claim One Continued

1 As Bruss's condition continues to deteriorate, the symptoms of his compressed  
 2 cervical spine become worse. Bruss also has to deal with the knowledge that  
 3 a compressed cervical spine can, without intervention and treatment, lead to  
 4 paralysis. Some of the symptoms, include but are not limited to numbness and  
 5 tingling in limbs and extremities, difficulty walking, moving, sitting (including  
 6 for a bowel movement), sleeping and debilitating pain and suffering.  
 7 Defendants, and each of them, are responsible for the pain, suffering, and  
 8 damage caused to Bruss.  
 9 Bruss is informed and believes, and therefore alleges, that his compressed  
 10 cervical spine would not require surgical intervention and possible irreversible  
 11 and permanent damage with earlier intervention and treatment.  
 12 Furthermore, the violation of ~~Bruss's~~ Bruss's 8th Amendment Rights is the  
 13 direct result of policies the Defendants' were and are aware of before, during,  
 14 and after Bruss's was diagnosed to have a compressed cervical spine, and  
 15 still exist.  
 16 The State of Nevada or the NDOC, the NDOC Director and the other named  
 17 Defendants are well aware of the problems with understaffing at HOSP, the  
 18 largest NDOC facility (approximately 4,000 inmates) has 4 wardens, yet only  
 19 one doctor (M-Th daytime only); the failure and unthly response, if  
 20 any, to requests for treatment, refills, emergency care, and assistance;  
 21 grievances ignored, delayed, and denied such that it prevents medical  
 22 issues from being addressed, and as to Bruss, actively interfered with  
 23 diagnosis, continuity of care and treatment plans brought to the  
 24 Defendants attention through kites, grievances, in person and in  
 25 writing -  
 26 This Deliberate indifference is a violation of Bruss's 8th Amendment  
 27 Rights and entitles him to the damages and other relief found in  
 28 Section "D", page 9 of this Complaint.

## CLAIM 2: Nerve Damage Both Hands

1 The Following civil rights have been violated: 8th Amendment Prohibition  
 2 Against Cruel and Unusual Punishment. Defendants also deliberately indifferent  
 3 to Plaintiff's Serious Medical Condition.

## 4 Supporting Facts:

5 Brass incorporates pp 1-3 (and sub parts), 4 (and sub parts), as though  
 6 fully set forth herein, and to that adds the following:

7 As discussed in claim one, supra, Brass only became aware  
 8 of the nerve damage to his hands when he was transported to  
 9 meet with a surgeon (different doctor than the one he met with  
 10 as to his compressed spine) who advised Brass he suffered from  
 11 nerve damage and carpal tunnel that had progressed to the point  
 12 that it would require surgery. This was in October of 2020.

13 Prior to the consultation with the surgeon in August of 2020  
 14 the condition as to his hands was not revealed in consultations with  
 15 the Defendants who either intentionally concealed the results of diagnostic  
 16 testing or prescribed him medications that would mask the condition,  
 17 not treat it, causing further damage and loss of function.

18 Since the diagnosis, surgical consultation, Brass has sent  
 19 requests for treatment, medications and surgery (Letters), grievances,  
 20 and sought outside assistance to determine why the delay in his  
 21 surgery, which has been from October 2020 to present, almost three  
 22 (3) months. (Def's Culver, Bryant, Mineo, Gutierrez, Parsons and Perez).

23 Since the condition(s) effect both of his hands, it adversely  
 24 impacts every aspect of his ability to function, including, but not  
 25 limited to hygiene, lifting and moving objects, writing, and just  
 26 about any activity that involves the use of his hand or hands.

27 As the condition progressively gets worse, Brass is rendered

1 that the surgeon advised him in October that the damage diagnosed back  
 2 that could have been prevented if caught sooner.  
 3 The Defendants had the opportunity to examine Bruss, and to evaluate  
 4 the diagnostic tests, and outside provider interpretation and reports, as  
 5 to prevent the damage finally revealed to Bruss in October of 2020,  
 6 and which may be irreversible and permanent with the delay in surgery.  
 7 Bruss therefore specifically brings claim 2 as to his hands for the actions,  
 8 failures and deliberate indifference of the Defendants from 2019 to the present.  
 9 As to the failure, refusal and delay in providing proper, timely treatment and  
 10 follow up care which has caused and continues to cause further damage,  
 11 pain and suffering, interferes with Bruss's ability to function, and  
 12 exacerbates his other medical condition  
 13 Bruss is not a doctor or trained medical professional. The outside  
 14 providers (Sunrise Hospital, Valley Hospital, the diagnostic imaging  
 15 and surgical consults) records, reports and other documents will substantiate  
 16 further Bruss's claim that the failure to provide him care for his serious  
 17 medical conditions (in all forms) was, and is, deliberate indifference  
 18 entitling him to damages and other relief.  
 19 Bruss believes, and alleges, the outside specialist(s) sent his medical records  
 20 and recommendations to Cubrena, Bryant (referring physician) where they were  
 21 discussed with Minev at VRP meetings but no action taken.  
 22 Bruss's bites, grievances and discussions with Parsons, Rio, Martin, Penet  
 23 put them and Bryant, Minev and Cubrena on notice of Bruss's medical  
 24 issues and concerns yet none of them intervened or advocated on his  
 25 behalf resulting in a discontinuing of his continuity of care and  
 26 puts Bruss at risk for permanent disability  
 27  
 28

## CLAIM 3: Failure to provide medications and recommended care

1 The following civil rights have been violated: 8th Amendment Prohibition  
 2 Against Cruel and Unusual Punishment. Defendants also deliberately  
 3 indifferent to Plaintiff's serious medical condition

4 BRUSS incorporates pp 1-3 (and subparts), 4 (and subparts) and 5  
 5 (and subparts) as though fully set forth here and to that adds the following:

6 As set forth in claim one and claim two, BRUSS was  
 7 prescribed medications, diagnostic tests, therapies, and was  
 8 approved for surgery for both conditions.

9 As set forth in the facts common to all claims, BRUSS will need  
 10 Court ordered access to his medical records and other files to set  
 11 forth the facts, witnesses, documents and other evidence to support  
 12 this claim. Therefore, on information and belief BRUSS alleges as  
 13 follows:

14 PRIOR to being referred out to outside of the prison specialists,  
 15 BRUSS was alternatively prescribed muscle relaxers and other  
 16 medications that were denied, delayed, and/or allowed to run  
 17 out or expire denying him care, treatment and the infliction of  
 18 pain suffering and further damage by Def's Bryant, Berndes, Rivas and others  
 19 ICES, oral requests, and filing grievances were either unresponded  
 20 to, denied, or delayed as to result in a disruption in continuity of  
 21 care, damage, pain and suffering by Def's Parsons, Pach and Gutierez + others

22 This destructive and intentional course of conduct by the  
 23 Defendants unfortunately continued as BRUSS's condition deteriorated  
 24 and he was seen by outside health care providers.

25 When BRUSS was transported to outside facilities, he was both  
 26 handcuffed and in leg restraints and not allowed to take any notes,  
 27 or given copies of any recommendations, treatment plans or prescriptions.

## Claim Three continued

- 1 Brass is informed and believes he has and continues to be denied:
  - 2 • surgery to address his compressed spine
  - 3 • surgery to address the nerve damage and carpal tunnel to his hands
  - 4 • gabapentin
  - 5 • other medications prescribed by the outside medical care providers
  - 6 As to the medications Brass is being provided
    - 7 • the ~~buterful~~ has been stopped by Jeff Bryant, Bernales and Rivas.
    - 8 • Lyrica not provided until September 2, 2020 and since discontinued, supra
      - 9 - the prison 'runs out' resulting in a disruption in the continuity of
      - 10 care (skipped doses) and worsening of symptoms and adverse effect
      - 11 on daily functioning.
  - 12 The Defendants are well aware of Brass's serious medical conditions through
    - 13 the medical examinations, diagnostic testing, and outside provider consultations
    - 14 and multiple requests for medications, further testing and surgeries, which
    - 15 was approved through medical staff both at HOSP and at the NSC, and addressed
    - 16 in grievances, kites and consultations with Brass.
  - 17 The denials, delays, and interruptions to the continuity of care were the
    - 18 result of deliberate indifference of the Defendants which has caused, and
    - 19 continues to cause Brass pain, suffering and damages to his serious
    - 20 medical conditions.
  - 21 Calresa failed to obtain approval and/or schedule follow-ups or with the
    - 22 assistance of Defendant Adervative Thompson.
  - 23 The physician Defendants (Bryant, Bernales and Rivas) allowed Brass's
    - 24 medications and treatments to stop, expire at great risk to Brass.
  - 25 Nursing Defendants Pursons, Perez and Gutierrez ignored, delayed or
    - 26 denied kites and grievances which could have addressed the situation.
  - 27 Defendant Miner ignored outside calls and failed to intervene on Brass's
    - 28 behalf allowing the harm to continue without redress.

1 9) Have you filed other actions in state or federal courts  
2 involving some or similar facts as involved in this action?  
3

4 Circle one: Yes or No. If your answer is "Yes", describe  
5 each lawsuit. (If more than one, describe the others on an  
6 additional page answering the following questions.)

7 a)

8 b)

9 c) not applicable

10 d)

11 e)

12 f)

13 10) Have you filed an action in federal court that was dismissed because  
14 it was determined to be frivolous, malicious, or failed to state a  
15 claim upon which relief could be granted? Circle one: Yes or No.

16 If your answer is "Yes" describe each lawsuit. (If you had more  
17 than three actions dismissed based on the above reasons, describe  
18 the others on an additional page answering the following questions.)

19 -NONE - (Lawsuits # 1, 2, or 3)

20 a)

21 b)

22 c) Not Applicable

23 d)

24 e)

25 f)

D. Request for Relief

1 I believe I am entitled to the following relief;

2

3 • Damages as to all claims as allowed by law according  
4 to proof

5 • Injunctive Relief as allowed by law and deemed appropriate;

6 • Declaratory Relief as deemed appropriate;

7 • Any other necessary and proper relief allowed by law  
8 under the facts and circumstances

9

10 I understand that a false statement or answer to any question  
11 in this complaint will subject me to penalties of perjury.

12 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS  
13 OF THE UNITED STATES OF AMERICA THAT THE FOREGOING  
14 IS TRUE AND CORRECT. See 28 USC § 1746 and 18 USC § 1621.

15

16 Law clerk(s) at HOSC

George Brass

17 (none of person who prepared  
18 or helped prepare this complaint  
19 if not the plaintiff)

(signature of plaintiff)

GEORGE BRASS #1045449

6-27-2022

(date)